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Chapter 3. Local Government Certification

3.1 Overview

The Georgia Department of Transportation (GDOT) receives a delegated authority to approve certain types of projects for development and construction administration from the FHWA. The local administered project process allows GDOT to delegate authority to qualified local agencies. The Local Administered Project Manual only provides guidance to help LGs administer Federal-aid projects.

LAP Manual webpage <http://www.dot.ga.gov/PartnerSmart/Local/Documents/LAPManual.pdf>

A LG is to submit a LAP Certification Application (See Appendix A) for review and approval by GDOT in order to receive delegated authority for project oversight. Each LG in its qualification certification agreement application is responsible for citing the capabilities it possesses and requesting those areas that direct GDOT Project Manager's supervision are needed.

The benefits for the qualification certified LG to administer a project is the time savings related to their authority to develop, advertise, award and manage the project. This time savings does not diminish the LG responsibility to provide professional engineering and other resources necessary to ensure all State and Federal requirements are followed. The LG Qualification Certification Agreement will remain in effect for a period of three (3) years or until either party modifies or rescinds the agreement. By agreeing to accept Federal-aid funds, the LG assumes the stewardship roles and responsibilities with respect to properly carrying out the Federal-aid project process.

When a unit of LG becomes the certified implementer for a project, GDOT limits its role as defined in the qualification certification. The GDOT Local Administered Project Certification Committee (LAPCC) will review, confirm and approve the LG to develop the federal project for which its certification applies using these GDOT LAP Manual procedures. LG are encouraged to take full advantage of GDOT assistance, supervision and training related to local let project responsibilities.

Although the certified LG can be pre-qualified to conduct local environmental and right-of-way activities, Federal regulations specifically require GDOT to retain approval for environmental documents, utility and right-of-way certifications. Additionally, GDOT and FHWA retain the approval authority or oversight responsibility for planning requirements, funds authorization, NEPA determination and documentation, Plans, Specifications, and Estimates (PS&E), final inspection, final acceptance, EEO and DBE requirements.

3.2 Project Framework Agreement

A PFA is an agreement between the Department and the Local Public Agency (LPA) that outlines the responsibilities, commitments, terms and conditions on how the specific project will comply with Federal and State regulations in administering and delivering the project with a funding participation distribution for all phases by each agency. It provides guidance to applicable standards and policies.

A Local Agency which has not been certified to administer federal-aid projects is ineligible to enter into a Project Framework Agreement with GDOT for administration of federal aid projects.

3.3 Qualification Certification for Local Governments

Projects must be designed in accordance with the GDOT Local Administered Project Manual. The LG will designate a full time public employee or request, a GDOT Project Manager direct supervision to be responsible for this administration on a project by project basis.

Projects must be administered by a Professional Civil Engineer registered in the State of Georgia who is either on staff as a public employee or is a consultant designated as the LG Engineer who is a pre-qualified consultant by GDOT.

The GDOT LAPCC will evaluate whether the LG has adequate staff or consultant expertise capable to deliver and supervise the design, environmental, PS&E, and construction administration phases of the project or the LG will request GDOT to directly supervise these functions as part of its qualification certification application.

The LG will designate an official fulltime public employee to have approving authority for all GDOT delegated project approvals unless it determines the GDOT Project Manager direct supervision is needed. When an official full time public employee is used, their authority must officially approve each project step for which it is the approving authority, and the name and position be identified in the GDOT LAP Certification or Re-Certification Application. The GDOT Project Manager will provide a check list of project steps involved with each Federal-aid project.

See PDP Chapter 5 for the checklist of steps involved in the Federal Aid process.

3.4 Certification Acceptance (CA)

A Local Agency that is certified to administer federal-aid projects may develop and accomplish the following:

- A. Location and Design
- B. Utility Agreements
- C. Railroad Agreements
- D. Consultant Engineering Agreements
- E. Environmental Documentation
- F. Bid Reviews
- G. Advertisement and Award of Construction contracts
- H. Construction Administration
- I. Construction Material Testing

Non-CA Status

If a LG does not have CA status, the following two options are available for administration of a FHWA funded project:

Non-CA Status Option 1

A non-CA status LG enters into an Agreement with a CA status LG to administer all aspects of the project. There must also be a jurisdictional relationship (contiguous) between the 2 entities. This requires approval by the GDOT.

Non-CA Status Option 2

The GDOT Project Manager administers the project for the LG and the LAPCC approves a LG to perform specific aspects of a project. An approved plan for the administration of the project is executed between the GDOT and the LG through either a PFA or a LAP Letter of Notification Agreement. This category allows projects of smaller sizes to be performed in part by the LG. The project plan shall address such issues as:

- Financing approvals — accounting/billing capabilities.
- Consultant involvement and monitoring. The LG must obtain the approval of the GDOT Project Manager prior to selection of a consultant.
- Development of Design and Design Documentation
- Development of plans, specifications, and estimates.
- Approval of contract documents.
- Advertising, award, execution of a contract.
- Contract oversight and documentation.
- Contract Modification Approval (modifications are in the form of Supplemental Agreements)
- Material Approval

3.5 Submitting GDOT LAP Certification or Re-Certification Application

A Local Agency desiring to administer federally-funded projects must complete the following information:

All four (4) training courses (LAP, PDP, Right-of-Way and Title VI) and associated documentation must be completed and approved by the LAP Coordinator before the interview with GDOT DPPE and the submittal of the LAP Certification Application. The following documentation (8) must be received by the LAP Coordinator for approval before the LG can meet with the District Planning and Programming Engineer (DPPE) to conduct the interview process to review, evaluate, and make a recommendation to the LAPCC on the completed LAP Certification application. When the LAP Coordinator has received and approved all documentation the GDOT DPPE will be notified to coordinate and set up the interview with the local agency.

1. Current Organizational Chart that identifies by name and title/position non-consultant staff that will participate in the LAP certification or recertification process. The LPA must notify the GDOT LAP Coordinator within 30 days of any name or position changes and provide an updated organizational chart of staff employees that have the required training for certification or recertification. Multiple LG employees can complete the 4 required trainings.
2. Copy of the LAP Manual Training Certificate
3. Copy of the PDP Manual Training Certificate
4. Copy of the Right-of-Way Acquisition for Local Public Agencies Training Certificate
5. Copy of the Title VI Training Certificate

6. Copy of State of Georgia PE License from Professional Licensing, Georgia Secretary of State website with expiration date
7. Current Title VI Assurances and Non-Discrimination Agreement (NDA) if census population is less than 100,00 or Title VI Plan if census population is greater than 100,000
8. Procurement – Current written policies and procedures which will be used to procure architecture and engineering services using Federal-Aid funds, which are in accordance with § 23 C.F.R. Part 172.5(b)(1) and the Brooks Act.

After the interview process, the GDOT DPPE will submit the LG evaluation of the LAP Certification Application to the LAP Coordinator with a recommendation for:

- A. Full Administration by agency (LG) of all projects – Certification Acceptance (CA)
- B. Non-CA Status Option 1
- C. Non-CA Status Option 2
- D. Deny Approval for Certification Acceptance (CA)

The Local Agency must submit:

- A letter addressing its capabilities, staff and experience in the specific areas where certification is requested, namely design, right-of-way, estimates, construction, bid and award, environmental, consultant selection, and ability to match federal funds.
- An original GDOT LAP Certification or Re-Certification Application with appropriate signatures and notary must be sent to the Program Control Administrator. Electronic copies can be sent to the LAP Coordinator.

LAP Certification Application (See Appendix A)

<http://www.dot.ga.gov/PartnerSmart/Local/Documents/LAPCertification.pdf>

LAP Re-Certification Application (See Appendix A)

<http://www.dot.ga.gov/PartnerSmart/Local/Documents/LAPRe-Certification.pdf>

Submittals must be mailed to the following address:

Georgia Department of Transportation
Program Control Administrator
600 West Peachtree Street, N.W.
25th Floor
Atlanta, GA 30308

The LAP Coordinator and the SME's on the LAPCC will meet to review the evaluation and recommendation from the GDOT DPPE and either approve or deny the local agency's LAP Certification Application.

3.6 Application Review Process

The GDOT DPPE will meet and interview each LG submitting a GDOT LAP Certification Application to gather and confirm the abilities of the LG to administer Federal-aid projects. The GDOT DPPE will collaborate further with GDOT District and General Office units, as needed, to fully evaluate applicant's qualifications.

All history of project delivery and performance by the LG will be considered; both current and expected staffing expertise; experience with Federal and State requirements; and overall capability will be considered by the State Program Delivery Administrator in recommending the Certification Acceptance Qualification Agreement for approval or denial to the LAP Certification Committee.

3.7 Determining Type of Certification

Based on the interview, the application, and other information requested, the GDOT District Planning and Programming Engineer (DPPE) will recommend the following certification options:

- A. Full administration by agency for all projects
- B. Non-CA Status Option 1
- C. Non-CA Status Option 2
- D. Deny approval for certification acceptance

3.8 GDOT LAP Certification Committee

The GDOT LAP Certification Committee (LAPCC) will review, confirm and approve or disapprove the LG to develop the federal projects for which its certification applies using the GDOT LAP Manual procedures.

3.9 GDOT Notification of Qualification Certification

A letter from the Office of the Chief Engineer will be sent to the LG if the LAP Certification Application is approved. A letter from LAP Coordinator will notify the LG of its denial of certification outlining the deficiencies.

A LG may reopen the application process by providing written notice of the corrections of the deficiencies provided in its letter of denial. The GDOT DPPE will follow the same process as in the original application and will focus on those deficient areas as noted by the LAPCC that the LG has completed all corrective actions.

LGs who fail to meet qualification certification will not administer and/or local let federally funded projects.

List of Certified Local Public Agencies on LAP Manual Webpage (periodically updated)

<http://www.dot.ga.gov/PartnerSmart/Local/Documents/List%20of%20Certified%20Local%20Public%20Agencies-1.pdf>

3.10 Certification Acceptance (CA) Compliance

The GDOT Project Manager will consult and advise the LAP Certified LG concerning the project-management procedures to be followed. The level of this assistance will depend on the nature of each project and the demonstrated capabilities of the LG. In order to be reasonably certain that local agencies are administering FHWA funds in accordance with the LAP Manual, GDOT will perform procedural reviews on LAP projects.

These reviews will be:

- Project Management Reviews (PMR)
- Documentation Reviews
- Project Administration Reviews

The LG may lose CA status, have its delegation of authority reduced to a project or phase of a project, or be placed on probationary CA. This may be the result of:

- Project Management, Administration, and Documentation Reviews
- An audit by the State Auditor
- Final project inspection
- The qualifications and experience of the LG staff are altered. If any change occurs in the positions described in the CA Agreement as “Approving Authority” the LAP Coordinator and the GDOT Project Manager shall be notified and may schedule an interview of the replacement person. The loss of CA status and reinstatement conditions will be outlined in a letter from the Program Control Administrator.

3.11 Certification Acceptance - Exceptions

Projects funded by Transportation Enhancement (TE), Scenic Byways, Congestion Mitigation and Air Quality Improvement (CMAQ) and Safe Routes to School (SRTS) programs are exempt and do not require LAP Certification Acceptance. These specific federal programs have established policies and procedures that meet the terms and conditions needed to administer projects in accordance with other requirements, guidance and manuals for federal compliance.

(See Chapter 1.1)

3.12 Training for Local Government Staff and Consultants

The LG staff and consultants are to contact the GDOT DPPE or LAP Coordinator for information on availability of classes related to Locally Administered Projects. Some classes are available on a regularly schedule basis and others are by request only.

The following courses will be required every 3 years for LAP certification and re-certification:

- Project Development Process (PDP) Training
- Local Administered Projects (LAP) Training
- Right-of-Way Acquisition for Local Public Agencies (LPAs) Training
- Title VI Training

Plan Development Process (PDP)

The PDP course is a 2 day course and is a requirement of the Project Framework Agreement (PFA). The PFA requires each LG to complete the PDP training prior to executing the PFA agreement. Any consultant performing architecture and engineering services is required to complete PDP training before performing project activities.

Applicants for Construction Engineering Supervision Certification

Any city or county which is interested in being certified to perform the construction engineering supervision on projects in their jurisdiction shall submit a request, using the attached Certification Acceptance Qualification Agreement form, to the GDOT Area Engineer. This request should contain statements concerning the number and qualifications of their engineering personnel. If only a portion of the engineering work (i.e., staking, etc.) is to be performed, this should be stated. It is agreed that the GDOT will be allowed to conduct evaluation checks and investigations as deemed necessary to determine the ability of the LG to carry out the engineering supervision function. The Area Engineer shall submit the request with his recommendation to the District Engineer who shall make the decision whether to accept or reject the request. If the request is approved the District Engineer shall execute an agreement with the county or city subject to compliance with these procedures. This agreement will be in effect as long as the GDOT feels it is in the GDOT's and the LG interest to do so. At any time the GDOT will reserve the right to void the agreement if the Engineering Supervision does not meet the standards established by the GDOT. The link to this web site for the Guidelines for Construction Engineering by Cities and Counties POLICY AND PROCEDURE [5020-1](#).

Other training courses to be developed by the GDOT Training Office will include NEPA and Environmental Analysis, Right of Way Acquisition, Contract Administration, Project Closeout and Completion, FHWA Finance, and Construction Management. Contacting your GDOT Project Manager to request scheduling of these courses is important.

3.13 GDOT LAP Quality Assurance Review

The GDOT Project Manager will provide project management guidance to all certified LGs.

GDOT Quality Assurance Reviews (QAR) will be conducted by individual project teams and reviewed by the LAP Coordinator annually for a select number of projects. This QAR will evaluate project performance compliance then document and report project audit findings. A LG may lose its

certification based upon the project audit findings or during FHWA inspections, audits or project close out review.

If it is determined that the LG did not comply with State or Federal requirements, then the LG will be notified of their federal-aid ineligibility. **FAILURE TO COMPLY** may require repayment for all or a portion of Federal funds. This applies to all successors from here.

3.14 Other GDOT Project Agreements

The following agreements detail the LG commitment with more accurate cost and phase delivery date schedules. Other special requirements are included and the responsibilities of each affected office are identified in this policy.

These agreements allow projects to be managed and tracked more effectively while maximizing LG oversight and keeping project deliverables on schedule.

Typical Project Specific Agreements:

1. GDOT (CWP) Letter of Notification Agreement from the Planning Office
2. LAP Certification Application (Agreement)
3. Project Framework Agreement (PFA)
4. LAP Letter of Notification Agreement (Issued by Project Manager's Office)
5. Project Specific Activity Agreements executed at later milestones in the projects development process:
 - a. Right-of-way
 - b. Utility
 - c. Construction
 - d. Lighting
 - e. Landscaping
 - f. Maintenance/Operations